



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 30, 2013

Mr. Chris Lyle, Chairman  
Adams County Water Conservancy Board  
c/o Adams County Conservation District  
402 E Main Avenue  
Ritzville, WA 99169

Dear Mr. Lyle:

Re: Receipt of Records of Decision for Applications for Change under Ground Water  
Certificate Nos. 4671-A (ADAM-13-03) and G3-00246C (ADAM-13-04)

In accordance with RCW 90.80.080 and WAC 173-153-150, our office received the records of decision referenced above on September 30, 2013. The department will review the records of decision and affirm, reverse, modify, or remand the actions of the board by November 14, 2013.

However, the director may invoke, or the board or applicant may request, a 30-day extension beyond the date listed above as allowed under RCW 90.80.080(4). The department will notify all necessary parties should an extension be required.

If Ecology does not act by the date listed above, the water conservancy board must notify Ecology, the applicant, and any parties that have expressed interest about the application of Ecology's failure to act [WAC 173-153-150(11)]. With agreement from Ecology, the board's decision becomes final.

It appears that you sent copies of the affidavits of publication. The law requires that we receive the notarized originals. Would you please find these and forward them to me as soon as possible?

Should we have any questions or comments we will contact you prior to the end of the 45-day review period.

Sincerely,

A handwritten signature in cursive script, reading "Karen Tusa", is written over a horizontal line.

Karen Tusa  
Processing Lead  
Water Resources Program

KT:ka





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November 6, 2013

McCain Foods USA, Inc  
P.O. Box 607  
Othello, WA 99344

Dear Sirs:

Re: Application for Change/Transfer under Ground Water Certificate G3-00246C (ADAM-13-04)

On September 30, 2013, our office received from the Adams County Water Conservancy Board a Record of Decision for the above referenced application for change/transfer. In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information.

The Department has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE- FT/YR	TYPE OF USE, PERIOD OF USE				
	<b>2500; 1800 (primary), 700 (non-additive to Certificate 4671-A)</b>	<b>2265.2</b>	<b>Irrigation of 740 acres and Continuous Manufacturing</b>				
SOURCE				TRIBUTARY OF (IF SURFACE WATER)			
<b>Thirteen (13) Wells</b>							
AT A POINT LOCATED: <u>McCain</u> <u>Wells</u>	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Well #1	NW¼	NW¼	34	16 N	29E	41	Adams
Well #2	NW¼	NW¼	34	16 N	29 E	41	Adams
<u>Proposed</u>	-	SW¼	33	16 N	29 E	41	Adams
Well #3	N½	N½	33	16 N	29 E	41	Adams
Well #4	-	-	-	-	-	-	-
<u>Othello Wells</u>	-	NW¼	3	15 N	29 E	36	Adams
Well #2	SE¼	SE¼	34	16 N	29 E	36	Adams
Well #3	NE¼	SE¼	3	15 N	29 E	36	Adams
Well #4	SE¼	SW¼	3	15 N	29 E	36	Adams
Well #5	NE¼	NE¼	4	15 N	29 E	36	Adams
Well #6	SE¼	SE¼	9	15 N	29 E	36	Adams
Well #7	SW¼	SW¼	26	16 N	29 E	36	Adams
Well #8	-	-	-	-	-	-	-
<u>Proposed</u>	SE¼	SW¼	36	16 N	29 E	36	Adams
Well #9	-	NW¼	27	16 N	29 E	41	Adams
Well #10	-	-	-	-	-	-	-



LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

W $\frac{1}{2}$ E $\frac{1}{2}$  Section 28; AND S $\frac{1}{2}$  Section 32 including Farm Unit 6, Irrigation Block 49, Columbia Basin Project; AND SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 32 and ALL of Section 33 including Farm Units 3, 4, and 5 of said Block 49 which lies westerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad; Except those portions lying northwesterly of the following described straight line: Beginning at the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 33; thence in a southwesterly direction to a point midway of the south line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32; AND the north 425.17 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33 which lies east of the aforesaid railroad, Except the east 67 feet thereof; AND the north 1010 feet of the west 660 feet of Farm Unit 89, Irrigation Block 45 of the said Columbia Basin Project; AND the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 34, T. 16 N., R. 29 E.W.M.

On page 2 of the Report of Examination under the heading "Board's Decision on the Application" and sub-heading "AT A POINT LOCATED" Well # 10 in the NW $\frac{1}{4}$  of Section 27, T. 16 N., R. 29 E.W.M. is stated to be located in WRIA "36". Ecology modifies this to read; WRIA 41.

On page 2 of the Report of Examination under the heading "LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD" a portion of the fourth line reads; "Beginning at the NE $\frac{1}{4}$  corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ...." Ecology modifies this to read; Beginning at the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ....

On page 3 and continued on page 4 of the Report of Examination under the heading "Attributes of the water right as currently documented" and sub-heading "Place of use" a portion of the fourth line reads; "Beginning at the NE $\frac{1}{4}$  corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ...." Ecology modifies this to read; Beginning at the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ....

On page 4 and continued on page 5 of the Report of Examination under the heading "History of water use" the following paragraphs shall be deleted from the section: Paragraph numbers 8, 9, (including the four bullets under paragraph 9), 10, 11, and 13.

On page 4 and continued page 5 of the Report of Examination under the heading "History of water use" paragraph 14 begins with; "The subject water right authorizes 2,500 gpm..." Ecology modifies this to read; The subject water rights authorize 2,500 gpm...

On page 9 of the Report of Examination under the heading "Other" the second paragraph shall be deleted. No water rights are being sold.

On page 9 of the Report of Examination under the heading "Other" the following provisions shall be included:

- Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.
- The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit



that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

- The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.
- This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.
- Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."
- A well log of the completed well(s) shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. These well log(s) shall be complete and all information concerning the static water level in the completed well(s) in addition to any pump test data shall be submitted as it is obtained.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

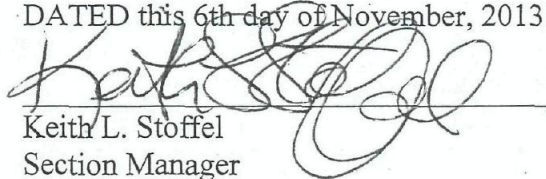
- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State  
Legislature Website: <http://www1.leg.wa.gov/CodeReviser>*

DATED this 6th day of November, 2013 at Spokane, Washington.



Keith L. Stoffel  
Section Manager  
Water Resources Program  
Eastern Regional Office

KS:HS:ka

Enclosure: Your Right to Be Heard

By Certified Mail 7011 3500 0001 8621 8610

cc: Adams County Water Conservancy Board